





Fermilab Procurement Policy and Procedure Manual

Operating Procedures

becomes aware of the receipt of suspect or counterfeit material, the Procurement Manager shall be immediately notified.

15. ENVIRONMENTALLY PREFERABLE PROCUREMENT

The provisions of Executive Order (E.O.) 13423 require that the Laboratory use sustainable environmental practices, such as the utilization of recycled-content, energy-efficient, biobased and environmentally-friendly products. A complete list of designated products that must contain recycled content is posted at www.epa.gov/epawaste/conserve/tools/cpq/products/index.htm.

Administrators shall document purchases of designated items in Oracle eBS.

16. INDEPENDENT CONTRACTOR

The general rule is that an individual is an independent contractor if FRA, the organization for whom the services are performed, has the *right to control or direct only the result of the work and not the means and methods of accomplishing the result.* In determining whether the person providing service is an employee or an independent contractor, all information that provides evidence of the degree of control and independence must be considered. Three factors must be considered and documented in making the determination.

1. Behavioral Control

Behavioral control refers to facts that show whether there is a right to direct or control how the worker does the work. A worker is an employee when the business has the right to direct and control the worker. The business has the right to direct and control the worker. The business does not have to actually direct or control the way the work is done – as long as the employer has the right to direct and control the work. Relevant behavioral control factors are: (a) the type of instructions give; (b) the degree of instruction; (c) an evaluation system for work, if any; and (d) whether any training is provided.

2. Financial Control

Financial control refers to facts that show whether or not the business has the right to control the economic aspects of the worker's job. Relevant financial control factors are: (a) significance of investment by the worker in the tools or equipment necessary for performance; (b) reimbursement of worker expenses; (c) opportunity for profit or loss; (d) freedom to seek out other business on the market; and (e) method of payment.

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